

B | 2. (Amended) The method of claim 1, wherein the Th2-type response is [stimulated] induced by contacting the population of activated CD4+ T cells with an agent which stimulates a B7-2-induced signal.

REMARKS

Claims 1-59 were pending in the application. Claim 2 has been amended to clarify what is meant by "stimulating a Th2-type response."

No new matter has been added. Applicants request that the amendments to the claims be entered. For the Examiner's convenience, a copy of the claims as currently pending is attached as Appendix A.

Traversal of the Restriction Requirement Under 35 U.S.C. §121

The Examiner has deemed the restriction requirement to claims 1-59 proper and has made the requirement final. Applicants have traversed this requirement on the grounds that a restriction requirement under 35 U.S.C. §121 is improper as Applicants have presented an allowable generic linking claim (claim 1) drawn to a method for selectively modulating a Th2-type response within a population of activated CD4+ T cells, comprising contacting the population of activated CD4+ T cells with an agent which modulates a B7-2-induced signal in the CD4+ T cells. Applicants respectfully submit that this allowable generic linking claim (claim 1) encompasses a variety of species, including, for example, the species of inducing (claims 2-8, 13-19, 24-30, and 43-50) or inhibiting Th2 responses (claims 9-11, 37-41, 51-53) as well as the subspecies of a soluble (claims 6-8, 17-19, 28-30, 48-50) or non-soluble form of B7-2 (claims 4-5, 16-17, 26-27, 46-47).

In view of the above, the presence of claim 1, which is generic to claims 2-53 as amended, renders a restriction under 35 U.S.C. § 121, improper.

The Examiner further required an election of patentably distinct species with the above-recited groups. If any of Groups I-IV were elected, the Examiner required a